

march 04, 2010

RESEARCH REVIEW



Budget hearings this week included these presentations on Tuesday from the Departments of Agriculture, Economic and Community Development, and Mental Health and Developmental Disabilities.

RESEARCH REVIEW

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AGRICULTURE

Jeremy Maxwell

THE FULL COMMITTEE

The Agriculture Committee met Tuesday to consider four bills and to hear presentations.

The following bills were *referred to Calendar and Rules*:

HJR 832 (Turner, M) Confirmation of Appointment - John Ross, State Forestry Commission

HJR 833 (Turner, M) Confirmation of Appointment - James W. Reeves, State Forestry Commission

HJR 834 (Turner, M) Confirmation of Appointment - Paul Trianosky, State Forestry Commission



Representative Tidwell

HB 2910 (Tidwell) establishes the “Forest Product Fairness Act” which requires the Commissioner of Agriculture to approve incentives for individuals, new and existing

partnerships, corporations, associations, or other legal entities to directly support the purchase of forest products. It also defines “forest products” and “incentives.”

The committee heard a presentation from Johnny Heard, President of the Tennessee Forestry Association. TFA works in many different ways to promote a public climate conducive to the development and wise use of Tennessee’s forest resources for the maximum benefit to the people of Tennessee. Through the sponsorship of programs such as Project Learning Tree and the Tree Farm Program, the TFA staff and its members work to insure the future availability, use, and quality of these vital natural resources for is diversified, and its members range from landowners, loggers, sawmills, paper mills, professional foresters, equipment dealers, trucking companies and other transporters of wood products to supporting business members such as banks and various suppliers. Through this diversity, each segment of the state’s wood industry is represented and is able to play a vital role in the association’s continued success.

The second presentation was given by Steve Scott, State Forester of Tennessee Division of Forestry. The forests of Tennessee offer many benefits ranging from quality timber and paper products to wildlife habitat and scenic beauty. By managing them wisely, future generations of Tennesseans may also enjoy these benefits. The Division of Forestry uses the most advanced management techniques to preserve and develop the resources in Tennessee’s 15 State Forests, and offers technical assistance to private forest landowners to help them reach their

management goals in an environmentally and economically responsible manner.

GENERAL SUBCOMMITTEE OF AGRICULTURE

The subcommittee did not meet this week.

CHILDREN & FAMILY AFFAIRS

Amelia Mitchell

THE FULL COMMITTEE

The **Children & Family Affairs Committee** met on Tuesday March 2nd and considered the following legislation:



Chairman DeBerry

Passed to Calendar & Rules:

HB 3454 by Rep. Curtiss requires the permanent school records for children in state custody be transferred to the state in the event of the students' agency school closing or a departmental contract for providing education ceases.

Deferred one week:

HB 5 by Rep. Hardaway requires the court to set a presumptive date for terminating the child support obligation except when there are medical support or other fees that may be due to support a disabled child or to comply with a court order requiring support for a child through college.

HB 2372 by Rep. Montgomery states that no adoptive parent shall be required to pay child support to DCS if

the adopted child is in DCS custody being found delinquent or unruly.

Taken off notice:

HB 677 by Rep. Cooper as amended states a parent may not be suspended from visitation due to being unable to pay for a specified visit. Supervisors serving under a court order may seek monetary relief from the court. In cases in which the court has found specific cases of abuse, the parent causing supervised visits is responsible for the costs. The cost for the supervised visit shall not exceed the guidelines of the Administrative Office of the Courts. The cost for a facility for the visitation may not exceed \$40 per hour.

FAMILY JUSTICE SUBCOMMITTEE



Representative Bell

The **Family Justice Subcommittee** met on Tuesday March 2nd and considered the following legislation:

Deferred one week:

HB 2916 by Rep. Bell requires the court to order equal parenting time to both parents unless there are findings that one or both parents are unfit to care for the child. The court may grant less than equal time if a parent does not seek equal parenting time.

HB 3720 by Rep. Maddox creates a task force to study the Carroll Academy intensive day treatment program for at-risk youth located in Huntington, Tennessee.

HB 2658 by Rep. Favors requires a parent's or caregiver's diagnosable addiction to be considered when determining the best interest of the child in custody, parental relocation and parenting plan cases.

DOMESTIC RELATIONS SUBCOMMITTEE

The **Domestic Relations Subcommittee** met on Tuesday March 2nd and considered the following legislation:

Passed to Full Committee:

HB 3753 by Rep. S. Jones urges public transportation buses to promote the existence of the Prevent Child Abuse Tennessee hotline. This bill will require the Department of Education to require local education agencies to distribute information on the hotline. This legislation will also require the Department of Human Services to require child care facilities to distribute information on the hotline.

HB 3021 by Rep. S. Jones deletes a required representative from the District Attorneys General Conference from the independent local advisory board for each county that operates a DCS multi-level response system.

HB 3020 by Rep. S. Jones as amended removes provisions that require a county to pay the state for the actual daily cost to the state for the length of stay of a child in state custody after such county exceeds 300 percent of the state average commitment rate for dependent and neglected children or delinquent children.

Deferred one week:

HB 2627 by Chairman DeBerry requires a court to base residential or

treatment placement recommendations to the Department of Children's Services on a preponderance of the evidence.

HB 2628 by Chairman DeBerry requires a court to determine that the Department of Children's Services or a licensed child-placing agency has made reasonable efforts to place the child for adoption and that permanent guardianship is in the best interest of the child before partial or full guardianship

can be awarded to a permanent guardian.

HB 2630 by Chairman DeBerry makes specific changes regarding permanency plans for foster care.



Chairlady Harwell

THE FULL COMMITTEE

The **Commerce Committee** passed out six bills on Tuesday during its full committee meeting.

HB 2904 (Lollar) decreases from five to three years the time commitment a small employer must purchase coverage through a health group cooperative.
[passed to Calendar & Rules]

HB 3831 (Shaw) would allow the Commissioner of Commerce & Insurance to be appointed a receiver to take control of a cemetery that has failed to maintain registration and trust funding. An amendment was adopted to fix a typographical error.
[passed to Calendar & Rules]

HB 3478 (Matlock) authorizes an operator of a crematory to dispose of unclaimed cremated remains after 180 days. The operator would keep records of any dispositions. An amendment was adopted to clarify that the records would be available for inspection during normal business hours.
[passed to Calendar & Rules]

HB 3158 (Curtiss) would extend the requirements for information on the outside of a bid envelope for certain crafts to be included for an electronic bid. Currently, all bids for the electrical, plumbing, heating, ventilation and air conditioning contracts and for each vertical closed loop geothermal heating and cooling project, must include certain information on the outside of the bid envelope.
[passed to Calendar & Rules]

HB 3830 (Favors) eliminates the June 30, 2009 termination date for the

Interstate Insurance Product Regulation Commission.

[passed to Calendar & Rules]

HB 3849 (Yokley) changes several licensure requirements for motor vehicle sales, home inspectors, real estate brokers, and liquid petroleum permit holders. Currently, anyone convicted of a felony would have to wait five years before applying for licensure for motor vehicle sales. The bill changes the start time for that five-year period from the date of conviction to the date the individual finishes their sentence. Also, the renewal period for licenses would change from 30 days before expiration to anytime before expiration. The licensure for petroleum permit holders would change from every two years to annually, and there is a reduction in the renewal fees to a per year amount.
[passed to Calendar & Rules]

HB 3694 (Matheny) was *referred back to Industrial Impact subcommittee.*

HB 1242 (Curtiss) was *referred back to Industrial Impact subcommittee.*

HB 2367 (Stewart) was *rolled for two weeks.*

The full committee heard a presentation from Eric Cromwell, President & CEO of the Tennessee Technology Development Corporation. TTDC is a state-chartered, state-funded economic development organization focused on investing in innovation to strengthen research & development, support entrepreneurship, and increase access to venture capital. Also, as part of TTDC Innovation Day on the Hill researchers, small businesses and corporations from across the state showcased their technologies to members in halls of Legislative Plaza.

UTILITIES & BANKING SUBCOMMITTEE

The **Utilities & Banking Subcommittee** met on Tuesday and moved four bills to the full committee.

HB 3823 (Pruitt) is a piece of housekeeping legislation from the Administration regarding the Tennessee Securities Act. It updates the changes in names of different regulatory organizations and corrects several statutory cites and cross references. The bill also allows for the filing of information through the Interactive Data Electronic Applications (IDEA) system or depository systems developed by private entities. It clarifies that the Department has one year to institute disciplinary actions against a licensee. An amendment was adopted to correct two drafting errors.
[moved to full committee]

HB 3773 (McManus) as amended would allow a local exchange provider under market regulation to file a tariff with the Tennessee Regulatory Authority. This tariff would outline the rates, terms and conditions of the contract between the provider and its customers. Under the 2009 legislation that allows market regulation, TRA does not have the ability to receive, review, approve or deny tariffs. Filing the tariff with TRA would serve as

publication and notice to the provider's customers.

[moved to full committee]



Representative McManus

HJR 748 (Hardaway) creates special joint committee to study providing free telephones to certain at-risk citizens. An amendment was added to specify that the study committee would meet only on days in which the General Assembly is in session or when a standing committee is scheduled to meet.
[moved to full committee]

HB 3046 (Fitzhugh) adds carbon dioxide as a pipeline product that is regulated by the Tennessee Regulatory Authority.
[moved to full committee]

HB 2727 (Campfield) as amended would make it a Class B misdemeanor to an unsolicited, obscene text message if the receiver has previously requested the sender to stop. Rep. Stewart discussed further amending the bill to require the receiver to request the sender to stop by responding to the text or by other written means. The subcommittee also discussed some logistical problems with having the

receiver communicate to the sender to stop. The sponsor agreed to roll the bill to work on clarifying the language of the amendment.
[rolled for one week]

HB 2970 (Odom) was rolled for two weeks.

SMALL BUSINESS SUBCOMMITTEE

The **Small Business Subcommittee** met on Wednesday and moved one bill to the full committee.

HB 3844 (Miller L) requires automatic revocation of a security guard's license if the individual is convicted of certain offenses. The individual can request a hearing and the Commissioner may impose other disciplinary actions.
[moved to full committee]



Representative Miller

HB 3571 (Rowland) was rolled for one week.

HB 34 (Hardaway) was rolled for two weeks.

HB 3320 (Floyd) was withdrawn.

Chairman Carr announced that the Small Business Subcommittee will be hearing its last calendar on March 24, 2010. Members are encouraged to place their bills on notice as soon as possible.

INDUSTRIAL IMPACT SUBCOMMITTEE

The **Industrial Impact Subcommittee** met on Wednesday to consider twelve bills.

HB 3002 (McDaniel) changes the increase in the limit on health insurance benefits that the Tennessee life and health insurance guaranty association may be obligated to cover from \$100,000 to \$300,000, for policies or contracts issued by a member insurer that becomes insolvent on or after January 1, 2011. Under the amendment, the limits for health insurance benefits will be \$100,000 for coverage that is not defined, \$300,000 for disability insurance and long term care insurance, and \$500,000 for basic hospital, medical and surgical insurance or major medical insurance.
[rolled for one week]

HB 3759 (West) extends the Department's authority over surplus lines insurers. An amendment was adopted that rewrites the bill to treat surplus lines insurers the same as other insurers regulated by the Department. The amendment includes rulemaking authority to establish unfair trade



Representative Mumpower

practices and claims settlement practices.
[rolled for one week]

HB 2984 (Mumpower) would add licensed martial and family therapists to the list of mental health professionals that are eligible for reimbursement if the service is covered under an insurance policy. Leader Mumpower told members that the bill does not mandate coverage since these services are already included in many insurance policies. Leader Mumpower asked the bill be rolled because members of other professions that provide similar services have expressed interest in being included in this legislation.
[rolled for one week]

HB 3641 (Todd) removes the requirement that local law enforcement must sign permits for public fireworks displays. An amendment was adopted that requires the fireworks company to send written notice to the city police chief and/or the county sheriff giving the date, time, and location of the public display.
[rolled for one week]

HB 1242 (Curtiss) as amended requires an individual to obtain a masonry contractor license if the individual does masonry construction that exceeds \$100,000 in materials and labor.
[rolled for one week]

HB 3654 (Stewart) was rolled for one week.
HB 2794 (Curtiss) was rolled for one week.

The following bills were rolled to the last calendar:

HB 2023 (Turner M)
HB 2586 (Rowland)
HB 2986 (Brooks H)
HB 2692 (Hackworth)

HB 3317 (Matheny) was moved to the mandate calendar.

NOTE: The subcommittee is scheduled to hear all insurance mandate legislation on March 17, 2010. All bills scheduled for the last calendar will be heard on March 24, 2010.

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CONSERVATION & ENVIRONMENT

Jeremy Maxwell

THE FULL COMMITTEE

The Conservation and Environment Committee did not meet this week.

WILDLIFE SUBCOMMITTEE

The Wildlife Subcommittee met Tuesday to consider three bills.

The following bills were *deferred one week*:

HB 725 (Hensley) requires visible evidence of baiting prior to any individual being charged with the offense of hunting or taking of animals by use of bait.

HB 2839 (Floyd) increases the penalty for the offense of boating under the influence of an intoxicant to approximate DUI penalties.



Representative Floyd

The following bill was *deferred three weeks*:

HB 134 (Faulkner) requires all proceeds deposited into the Wildlife

Resources Fund from the sale of new specialty earmarked license plates to be used in accordance with the provisions authorizing the issuance of such plates.

PARKS SUBCOMMITTEE

The Parks Subcommittee met Wednesday to consider one bill on calendar. **HB 3755 (West)** was *deferred two weeks*. This bill requires the Department of Environment and Conservation to maintain a Seasonal Interpretive Ranger at Long Hunter State Park for educating park users on the unique habitat and wildlife at the park.



Representative West

The committee also heard a presentation on the estimated economic impacts of Tennessee State Parks from Commissioner Jim Fyke, Department of Environment and Conservation. In 2008-2009, an estimated 16.9 million people visited Tennessee State Parks. With an estimated three people per

vehicle, there were 5,637,623 groups who visited State Parks with an average mean expenditure per group per trip of \$128.64. These trips resulted in \$725.2 million in direct expenditures by State Park visitors. For every dollar spent on trips to Tennessee State Parks, an additional \$1.11 of economic activity was generated throughout the state. When the direct and indirect expenditures were combined, the impact of Tennessee State Parks to the state's economy was \$1.5 billion in total industry output. For every dollar spent from the State Park's budget allocation from the general fund (\$41 million), it generates over \$17 in direct expenditures and over \$37 in economic impacts (total industry output). The total indirect business taxes generated from expenditures by Tennessee State Park visitors were over \$106 million. The \$725 million in direct expenditures supports almost 12,000 jobs across Tennessee. \$1.5 billion in total industry output supports over 18,600 jobs in Tennessee.

ENVIRONMENT SUBCOMMITTEE

The Environment Subcommittee did not meet this week.

CONSUMER & EMPLOYEE AFFAIRS

Lucy Wilson

THE FULL COMMITTEE

The full committee met on Wednesday, March 3, 2010, to hear one bill on calendar.

Passed to Finance, Ways & Means:

HB 3789 by Curtiss (SB 3874 by Kyle) eliminates the current structure of the Board of Review, in the Department of Labor & Workforce Development (L&WFD), for second level contested unemployment appeals and replaces it



Representative Curtiss

with a new structure that utilizes licensed attorneys from the Legal Division designated by the Commissioner. The bill also eliminates the requirement that written notification of decisions be sent by certified mail.

The committee members heard testimony on workers' compensation.

CONSUMER AFFAIRS SUBCOMMITTEE

The subcommittee met on Tuesday, March 2, 2010 and had one bill on calendar.

Passed to Full Committee as Amended:

HB 2118 by Dennis (SB 2178 by Stanley) is re-written by an amendment that was attached in committee. Any health club that receives payments 90 days in advance from a buyer, or makes direct withdrawals from a buyers bank account or provides a buyer the option to finance fees through a third party is required to post a \$25,000 bond with the department of Commerce and Insurance. An amendment to the amendment changed the effective date from July 1, 2011 to July 1, 2010.

EMPLOYEE AFFAIRS SUBCOMMITTEE

The Employee Affairs Subcommittee, which met on Wednesday, March 3, 2010, had five bills on calendar.

Passed to the Full Committee as Amended:

HB 2685 by Hill (SB 2753 by Johnson) authorizes employers to require that English be spoken in the workplace if the requirement is based on business or safe workplace necessity and the employer provides notice to employees of the requirement and the consequences of violating the requirement. An amendment attached to the bill defines a "business or safe workplace necessity"; and makes a distinction between work and a meal period, rest period or other break not considered work time. A verbal amendment also passed that changes



Representative Hill

"...it shall not be an unlawful employment practice..." to "it shall be an allowable employment practice..." The amendments will be combined.

Rolled One Week:

HB 3421 by Litz (SB 3518 by Overbey) requires direct deposit of unemployment insurance benefits to a claimant's bank account if the claimant submits a written request in addition to a voided check. The bill also requires L&WFD to reissue a check within five months of the original check if the claimant files a written report that the check was not received and the claimant was not negligent. An amendment traveling with the bill prohibits the inclusion of a claimant's social security number except for the last four digits on a check or other documents when benefits are paid by check. A verbal amendment was adopted that inserts directory language.



Representative Johnson

Rolled Two Weeks:

HB 3696 by Johnson C (SB 3635 Ketron) requires, effective August 1, 2010, each employer, including the state and local governments, to use the e-verify system created by the federal government to verify the employment eligibility status of any person seeking employment, and to maintain that documentation for three (3) years.

HB 2787 by Hill (SB 3759 by Bunch) deletes the requirement that employers pay by check presentable at some bank or other established place of business.

Rolled to the Last Calendar:

HB 776 by Turner M (SB by Harper) prohibits employers from discriminating against an employee on the basis of sex by paying a salary or wage rate less

than the amount paid to an employee of the opposite sex for comparable work with comparable skill, effort, responsibility, and similar working conditions.



THE FULL COMMITTEE

The **House Education Committee** met on Wednesday, March 3, 2010. The committee hosted students from



Chairman Brooks

Shayne Elementary School in Metro Nashville as part of the TEA's Read Across America Program. The students read *The Little Engine That Could*. The committee also heard a budget update on the Tennessee Education Lottery and hosted a discussion regarding proposals on the future of the York Institute, including Sgt Alvin York's son.

Passed to Calendar & Rules:

HB 3733 (Gilmore) – This bill, as amended, would extend a two-year pilot in Davidson County for an extra two years, until January 1, 2012. In this pilot program, CTE class size limits are relaxed.

Rolled 1 week:

HB 376 (Coley)
HB 3737 (Coley)
HB 3148 (Winningham)
HB 3415 (Brown)
HB 3332 (H. Brooks)
HB 3517 (J. DeBerry)
HJR 781 (Hardaway)

HR 59 (Lollar)

K-12 SUBCOMMITTEE

The **K-12 Subcommittee** also met on Wednesday.

Passed to the full committee:

HB 3711 (Townes) – This bill requires school districts to allow students to take textbooks home.

HB 3105 (Harwell) – This bill, as amended, adds language to the code forbidding schools from separating multiple birth siblings into separate classrooms solely because they are of the same multiple birth grouping.

HB 3168 (Curtiss) – This bill allows LEAs to issue high school diplomas to Viet Nam veterans who were not able to complete high school due to service in the war.

HB 2955 (Coley) – This legislation, as amended, requires school districts to



HB 3109 (S. Jones)
HB 3450 (McDonald)
HB 3546 (Maddox)

Rolled 3 weeks:
HB 797 (Campfield)

Rolled 4 weeks:
HB 3406 (Faulkner)

Rolled to the last calendar:
HB 2538 (Casada)
HB 2967 (Hackworth)
HB 3233 (McCord)

Taken off notice:
HB 2419 (M. Turner)
HB 3745 (Mumpower)

Bills failed:
HB 836 (Moore)

forward disciplinary records or any records received from a court relative to a student being ruled delinquent.

HB 2772 (Montgomery) – This bill changes the date to May 15 that teachers must be notified that their contract will not be renewed from the previous year. The current law had required April 15 to be the date of notice.

HB 2810 (McDonald) – This bill, as amended, requires the Office of Research and Education Accountability within the Office of the Comptroller to research how other states use measures of parental involvement and student test scores in evaluating teacher performance, and to report back to the General Assembly with a oral presentation to each house's Education Committee.

HB 3107 (McCormick) – As amended, this bill requires prior approval for teachers to take leave on days of professional development training or in-service days or on days of parent-teacher conferences, if such days are scheduled prior to the start of the school year. This amendment also takes out an obsolete section requiring

the approval of the school board for a teacher to be granted leave, and instead requires the approval of the director of schools or his designee.

Rolled 1 week:
HB 3411 (Brown)
HB 3028 (H. Brooks)
HB 3336 (Carr)
HB 3866 (Shaw)
HB 3874 (U. Jones)

HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education Subcommittee** met on Wednesday, March 3rd. Results of actions taken are as follows:

Passed to the full committee:
HB 2474 (Winningham) – This bill requires the State Board of Education,



Representative McCormick



Representative Winningham

the Tennessee Higher Education Commission, the Tennessee Board of Regents, and the University of Tennessee Board of Trustees to stream live video of their board meetings on the internet and to archive past meetings on their respective web sites.

HB 2936 (Lollar) – This bill includes Tennessee Technology Centers in the law requiring that students who are called to active military duty while enrolled for a class to be offered refunds or tuition credits.

HB 3413 (Brown) – This bill includes enrollees in graduate education programs in the minority teachers fellowship program. It also removes the cap on the number of awards available annually.



Representative Brown

Taken off notice:

HB 3188 (M. Turner)

HB 3542 (Maddox)



THE FULL COMMITTEE

The House Finance, Ways & Means Committee met on Tuesday, March 2, 2010 to consider twelve bills on calendar. Budget hearings followed. The committee heard presentations this week from a variety of departments and commissions, beginning the week on Monday and working through Thursday in reviewing the Governor's fiscal year 2010-2011 budgetary recommendations for the departments of Environment & Conservation, Mental Health & Developmental Disabilities, Agriculture, Economic & Community Development, Corrections, Health, and Human Services, as well as from the Tennessee Historical Commission, the Tennessee Wildlife Resources Agency, the Board of Probation & Parole, and the Tennessee Corrections Institute. The following final actions were taken

by the full Finance committee on legislation this week:

Deferred 1 week:

HB 3044 (Cooper)

HJR 746 (Marsh)

Recommended for passage and thus referred to Calendar and Rules:

HB 2507 (Swafford) – As amended in House Transportation, this bill provides for the erection of directional signs to the “U.S. Chess Federation” on Interstate 40 in Cumberland County at Exit 320 (State Route 298), on both eastbound and westbound lanes, with the City of Crossville overseeing the payment to the Department of Transportation for the costs associated with the new signage.

HB 2696 (Dennis) – A highway sign memorializing a Tennessee Armed Services member who was killed in action. The legislation designates the segment of S.R. 142 in McNairy County from the McNairy County – Hardin County boundary westward to the most western corporate limits of Stantonville as the “PFC Cleabern W. Hill, Jr. Memorial Highway” and directs the Department of Transportation to erect suitable signs.



Representative Dennis

PFC Hill, US Army, was killed in action while serving in Vietnam, therefore, the costs of the signs shall be funded in accordance with TCA §54-1-133.

HB 2715 (Brown) – This legislation is a highway sign designating the segment of Broad Street (U.S. Highways 11 and 72) in the City of Chattanooga from such street’s intersection with West 32nd Street southward to its intersection with Tennessee Avenue (State Route 17), such segment including the WDEF studios at 3300 Broad Street, as the “Luther Masingill Parkway” and directs the Department of Transportation to manufacture and erect suitable signs. As amended in House Finance, the City of Chattanooga will provide oversight to make sure that the necessary funds are paid to the Department of Transportation to manufacture and erect such signs. Mr. Masingill was a broadcaster on WDEF in Chattanooga and is known as “the longest running radio announcer on the same station in the U.S.”

HB 2753 (Borchert) – A memorializing highway and bridge sign bill, this legislation designates the bridge spanning the Big Sandy River on State Route 69A in Henry County as the



Representative Borchert

“Warren G. Melton Memorial Bridge” and directs the Department of Transportation to manufacture and install suitable signs. As amended in the full Finance committee, Henry County will oversee the payment to the Department of Transportation for the signage. A World War II veteran and former mayor of Big Sandy, Mr. Melton served the city of Big Sandy in many different capacities, including that of being the city’s first fire chief of the Big Sandy Fire Dept. as well as having served as the operator of the city’s ambulance service.

HB 3033 (Fitzhugh) – This legislation authorizes the Attorney General to disclose to a cigarette manufacturer or a roll-your-own manufacturer any information provided by licensed agents of the Department of Revenue regarding the number of cigarettes sold with that manufacturer’s tax stamp affixed or the tax otherwise paid. The Finance Committee added an amendment to the bill protecting the confidential nature of the information under authorization, with the passage of this legislation, to being provided by the Attorney General.

HB 3280 (Coleman) – This legislation adds a broader definition of substances that may affect the central nervous system for purposes of prohibition against driving under the influence (DUI).

HB 3309 (Mumpower) – This bill allows political subdivisions in this state to join with at least one political subdivision of another state to create a regional airport authority. The legislation defines the “governing body” of a regional airport authority as the official entity authorized to exercise law-making powers of a local government of another state. It requires the creation of a regional airport authority when three or more municipalities or counties and at least one political subdivision of another state create an airport commission and by a majority of those governing bodies

recommend its creation. Furthermore, it requires approval of the Attorney General prior to the implementation of an interlocal agreement. As amended in the House Finance, Ways & Means Committee, the make-up of the regional airport authority created within the bill was changed to add an additional commissioner who would be appointed by the other commissioners of the airport authority in their first order of business. If, by chance, the commissioners cannot reach an agreement on the appointment, the bill provides that the Governor shall appoint the thirteenth commissioner instead.

HB 3500 (Hensley) – A memorializing highway sign bill, this legislation designates the one-mile segment of State Route 242 (West Point Rd.) in Lawrence County between mile marker 13 and mile marker 14 as the “*Emmie Robertson Memorial Highway*.” It was at this particular section of roadway where Ms. Robertson tragically lost her life in an automobile accident. As amended in House Finance, Lawrence County will oversee the payment to TDOT for the signs.

HB 3660 (Stewart) – This bill, as amended in the House Finance Committee, names the Shelby Street pedestrian bridge in Metropolitan Nashville – Davidson County as the “*American Prisoners of War Pathway*” and directs TDOT to manufacture and install suitable signs with Davidson County overseeing the payment process to the Department of Transportation for the signage.

HJR 754 (Watson) – This resolution, as amended in the House Transportation Committee, pledges full support of the Tennessee General Assembly for the development of the Corridor K highway project and urges the U.S. Dept. of Transportation to take all necessary measures to facilitate the establishment and construction of Corridor K. The recipients of the engrossed copy of the resolution include



Representative Watson

that of the Secretary of Transportation and Tennessee’s Commissioner of Transportation.

Upcoming budget hearings scheduled for next week include the following:
Monday, March 8th:

- Tennessee State Museum – *Lois Riggins-Ezell, Executive Director*
- Tennessee Arts Commission – *Rich Boyd, Executive Director*
- Tennessee Health Services & Development Agency – *Melanie Hill, Exec. Dir.*
- Dept. of Tourist Development – *Cmsr. Susan H. Whitaker*

Tuesday, March 9th:

- Dept. of Veterans Affairs – *Cmsr. John A. Keys*
- TRICOR – *CEO Patricia Weiland*
- District Public Defenders Conference – *Exec. Dir. Jeffrey S. Henry*
- Tenn. Education Lottery Corporation – *Pres. & CEO Rebecca Paul-Hargrove*

Wednesday, March 10th:

- Dept. of Education – *Dr. Tim Webb, Commissioner*

- State Board of Education – *Dr. Gary Nixon, Executive Director*

Thursday, March 11th:

- Tennessee Higher Education Commission – *Dr. Richard G. Rhoda, Exec. Dir.*
- Tennessee Board of Regents – *Dr. Charles Manning, Chancellor*
- Tenn. Student Assistance Corporation – *Dr. Richard G. Rhoda, Interim Dir.*
- University of Tennessee – *Dr. Jan Simek, Acting President*

BUDGET SUBCOMMITTEE

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, March 3, 2010 with twenty-one bills on its calendar. Subcommittee action on these bills is as follows:

Deferred for One Week:

HB 1911 (C. Johnson)

HB 2950 (H. Brooks) *as amended*

Deferred for Two Weeks:

HB 3360 (Campfield)

HB 3169 (Curtiss)

HB 2349 (Dennis)

HJR 820 (Faulkner)

HB 3355 (Hackworth)

Behind the Budget:

HB 814 (Campfield) *remains behind the budget*

HB 3176 (Swafford)

Referred to Full Committee:

HB 2866 (Haynes) – This bill authorizes the mayor and aldermen of Farragut to establish term limits for themselves through the adoption of an ordinance by a two-thirds vote at two separate meetings. The ordinance must be approved by the voters in an election administered by the Knox County Election Commission.

HB 2868 (Haynes) – This bill, as amended in Budget Sub. to correct a

typographical error, names the campus at the Senator Ben Atchley State Veterans Home in Knox County as the “*Gerald D. Clark Campus*” and directs the Department of Finance and Administration (F&A) to erect suitable signs. Designating signs shall be erected only if non-state funds are paid to the Department of Finance & Administration for the manufacture and installation of such signs within one year from the effective date of this bill. Hailing from the Del Rio community in Cocke County, Mr. Clark is the Chaplain for the American Legion Post #2 in Knoxville and served as Commander of the United Veterans of East Tennessee.

HB 2755 (Bass) – This highway/bridge sign bill designates Bridge No. 59-373-0-06, spanning Bear Creek on State Route 373 (Mooresville Highway) in Marshall County, as the “*Brenard Richardson Memorial Bridge*” and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. Designating signs shall be erected only if the cost of the signs is paid to TDOT by Marshall County within one year of the effective date of the bill. The Board of Marshall County Commissioners petitioned this body to name this bridge in honor of the Richardson family.

HB 2756 (Bass) – This highway/bridge sign bill designates the bridge spanning the Duck River on State Route 272 in Marshall County as the “*Alex Allen Memorial Bridge*” and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. Designating signs shall be erected only if the cost of the signs is paid to TDOT by Marshall County within one year of the effective date of the bill. The Board of Marshall County Commissioners petitioned this body to name the bridge in memory of Mr. Allen.

HB 2990 (Bass) – This bill is a memorializing highway/bridge sign bill honoring a fallen U.S. Service member



Representative Casada

that was killed in action. The legislation designates Bridge No. 28-SR011-007, which spans the west fork of Shoal Creek on State Route 11 at mile marker 6.89 in Giles County, as the “*PFC John H. McCree Memorial Bridge*” and directs the Department of Transportation to manufacture and erect suitable signs. The costs of the signs shall be funded in accordance with TCA §54-1-133.

HB 2435 (Casada) – This bill is a memorializing highway/bridge sign bill honoring a fallen U.S. Service member that was killed in action. The legislation designates the bridge over the Harpeth River (Bridge # 94SR00600131) on State Route 6 in Williamson County as the “*Warrant Officer Judson E. Mount Memorial Bridge*” and directs the Department of Transportation to erect suitable signs. The costs of the signs shall be funded in accordance with TCA §54-1-133.

HB 2480 (Casada) – This bill is a memorializing highway/bridge sign bill honoring a fallen U.S. Service member that was killed in action. The legislation designates the bridge spanning the Harpeth River at mile marker 2.0 on

State Route 397 (Mack Hatcher Bypass) in Williamson County as the “*Ssg Carey Thomas Moore Memorial Bridge*” and directs the Department of Transportation to erect suitable signs. The costs of the signs shall be funded in accordance with TCA §54-1-133.

HJR 769 (Favors) – This highway sign legislation designates the segment of Interstate 24 from mile marker 179 to mile marker 180 in the City of Chattanooga, Hamilton County, as “*The Impressions Highway*” and directs the Department of Transportation (TDOT) to manufacture and erect suitable signs. Designating signs shall be erected only if the City of Chattanooga in Hamilton County, Tennessee, either remits the estimated cost of such signs to TDOT within one year of the effective date of this resolution or manufactures and erects such signs pursuant to state and federal guidelines as approved by the Department. According to the resolution, the honorees are an award-winning R&B musical group that has featured four Chattanooga natives as members at one time or another.

HB 3088 (Fitzhugh) – This is the TCRS Omnibus bill. It makes various changes to the Tennessee Consolidated Retirement System (TCRS) relative to provisions governing service in the system and other various housekeeping measures. The bill also makes various changes to the state’s Deferred Compensation program and the Other Post Employment Benefits program. As amended by the Council on Pensions & Insurance, the bill also allows local governmental bodies to choose a minimum benefit calculation based on \$8, \$14, or \$20 per month for each year of service, indexed by the annual COLA awarded to retirees.

HB 3608 (Fitzhugh) – This is a bill from the Comptroller’s Office increasing the appeal and exemption fees charged by the State Board of Equalization. The nonrefundable exemption processing fee will be

increased from \$100 to \$120. The nonrefundable appeal processing fee would be raised from \$5 to \$7. The maximum refundable appeal hearing fee will be increased from \$100 to \$120, and would be refunded if the appeal is determined to be successful. The \$1 limit on electronic appeals will be abolished. These fees have not been raised since 2004.

HB 2510 (McCormick) – Upon approval by a two-thirds vote of the county legislative body, this legislation authorizes the register of deeds in Hamilton County to collect a \$2 submission fee for recording electronically-filed documents.

HB 969 (McCord) – As rewritten in the House Judiciary Committee, this bill requires a person convicted of a felony to pay all court costs imposed before such person's voting rights are restored, except where the court has made a finding at an evidentiary hearing that the applicant is indigent.



THE FULL COMMITTEE

Government Operations met on March 3, 2010 to consider 29 bills.

HB 2811 by McDonald & HB 2791 by Harrison were taken off notice at the request of the sponsors.

The following bills were rolled:

HB 3362, HB 2966, HB 3549, HB 3014, HB 2446, HB 2456, HB 2471

The following bills were sent to Calendar & Rules on a Consent Calendar:

HB 1016, HB 2455, HB 2458, HB 2462, HB 2479, HB 2596, HB 2859

The following bills were sent to Calendar & Rules as amended:

HB 2592 by Lynn

As amended, this bill extends the Board of Dietitian/Nutritionist Examiners to 2016.

HB 2594 by Lynn

As amended, this bill extends the Board of Examiners for Nursing Home Administrators to 2016.

HB 2603 by Lynn

As amended, this bill extends the Council of Certified Professional Midwifery to 2016.

HB 2605 by Lynn

As amended, this bill extends the Council for Hearing Instrument Specialist to 2016.

HB 2616 by Lynn

As amended this bills extends the Polysomnographic Professional Standards Committee to 2016

HB 2617 by Lynn

As amended, this bill extends the Massage Licensure Board to 2016.

HB 2619 by Lynn

As amended, this bill extends the Board of Athletic Trainers to 2016.

HB 3291 by Lynn

As amended, this bill extends the TN Court of Judiciary to 2012.

The following bill was recommended for passage and referred to Health & Human Resources

HB 3439 by Harrison

This bill requires the board to require as a condition of licensure that a home medical equipment provider with a principal place of business outside Tennessee must have an office or place of business in Tennessee.

The following bill was recommended for passage and referred to Agriculture



Representative Bone

HB 3799 by Bone

This bill:

- (1) Deletes the Tennessee Public Livestock Market Charter Act, which regulates the business of a public livestock market and requires a charter in order to conduct such a market;
- (2) Deletes the present law provisions requiring licensure of any person, firm or corporation desiring to engage in dealing or trading in poultry, fowl, livestock or other animals, either dead or alive; and

(3) Amends various provisions of the Tennessee Livestock Dealer Act, the present law provisions governing livestock sales, and the present law provisions governing certification of livestock, as discussed below. Some of the changes are to incorporate provisions that were covered under the provisions to be deleted under (1) and (2).

The following bill was recommended for passage and referred to Conservation and Environment

HB 3055 by Watson

This bill sets the daily commercial carrying capacity for that section of the Ocoee River between Rogers Branch and Caney Creek in the lower Ocoee River Recreational Area at 4,500 commercial customers for the dates on which the commercial usage on such dates during the last season exceeded 4,500 customers. Each date on which the carrying capacity was capped for the last season must also be capped on the same date for the next season unless the commercial usage on the capped date during the previous season fell below 4,300 customers.

This bill authorizes Hiwassee/Ocoee Scenic River State Park management to increase the daily commercial carrying capacity at the lower Ocoee River Recreational area to the extent staffing and infrastructure will allow; however, such increase must not exceed 500 additional commercial customers.

This bill requires the department of environment and conservation, in consultation with state park management, to conduct an annual study to analyze the effect of the increased carrying capacity and, upon a determination by the department that either the river or the park cannot sustain the increased use, to adjust the commercial carrying capacity to coincide with capacity levels prescribed in the first paragraph of this summary.

Under this bill, for two days during any whitewater rafting season, there will not be a limit on the commercial carrier prescribed in the first paragraph of this summary capacity during the three-hour period prior to the end of the scheduled water release.

The following bill was recommended for passage and referred to Children & Family Affairs

HB 3114 by Jones, S.

Under this bill, foster care services would be available on a voluntary basis to any person who is at least 18 years of age but less than 21 years of age, who was in the custody of the department at the time of the person's eighteenth birthday and who is:

- (1) Completing secondary education or a program leading to an equivalent credential;
- (2) Enrolled in an institution that provides post-secondary or vocational education;
- (3) Participating in a program or activity designed to promote, or remove barriers to, employment;
- (4) Employed for at least 80 hours per month; or
- (5) Incapable of doing any of the activities described in (1)-(4) due to a medical condition, including a developmental or intellectual condition, which incapability is supported by regularly updated information in the permanency plan of the person. In such a case, the person must be in compliance with a course of treatment as recommended by the department.

Foster care services would also be available to any person who meets the above requirements but refused such services at the time of the person's 18th birthday if at any time the person seeks to regain foster care services prior to

the person's 21st birthday. Any financial assistance available to foster children, foster parents, permanent guardians or adoptive parents would also be available to any person who is in the custody of the department pursuant to this bill and the foster parents, permanent guardians or adoptive parents of that person.

The following bill was recommended for passage and referred to State & Local Government

HB 3180 by Turner, M.

This bill requires the commissioner of general services to develop guidelines to require that any contract entered into by a state agency or any county, city, municipality, special district, school district or other local governmental unit of the state with a contractor or subcontractor who resides outside this state provide that the subcontractor who resides outside the state must hire Tennessee citizens to perform the work under the contract, insofar as practicable. This bill requires that the guidelines further include:

- (1) A procedure for the contractor or subcontractor to outline the efforts the



Representative Turner

contractor or subcontractor has made to fulfill contractual requirement set out in this bill; and

(2) The manner in which the commissioner, if satisfied that the

contractor or subcontractor has made a good faith effort to fulfill the contractual requirements set out in this bill, may authorize the contractor or subcontractor to hire United States citizens living outside Tennessee.

HEALTH & HUMAN RESOURCES

Judy Narramore

THE FULL COMMITTEE

Chairman Armstrong convened the **Health & Human Resources Committee** on Tuesday morning, March 2, 2010, with eight bills on the calendar and addendum. Rep. Ramsey requested a committee roll for **HB 1871** (adult emergency dental services in health departments) as interested parties continue to work on additional amendatory language; without objection, HB 1871 was rolled one week. **HB 2585 (Shepard)** as amended that authorizes a prescription issued by a lawful practitioner who has died to be dispensed based upon the pharmacist's professional judgment and in accordance with requirements set out in the legislation for new prescriptions (90

days) and refills for Schedule III, IV, and V drugs (90 days) and non-schedule drugs (180 days) was referred to C&R. **HB 2634 (J. DeBerry)** as amended that limits on-line or web-based courses used by dental hygienists to meet biennial continuing education requirements to 50 percent was referred to C&R. **HB 3251 (Armstrong)** as amended that requires the Board of Medical Examiners to enter into a written agreement with the United States Department of Homeland Security to enforce federal immigration laws relating to licensure of foreign physicians, which may include participation in the federal systematic alien verification of entitlements (SAVE) program or other certifying agent approved by the Department was

referred to FW&M. **HB 3833 (Camper, M. Turner)** that authorizes the Emergency Medical Services Board to discipline or deny authorization to any person regulated by the Board who violates any criminal statute of *any state* (existing provisions specify *this state*) and removes the \$25 limit on reinstatement fees for an applicant whose certification has expired was referred to C&R. **HB 2504 (Moore)** as amended that requires the Department of Health to implement a pilot program authorizing county clerks to issue certified copies of birth certificates was referred to FW&M. The pilot program created by HB 2504 will exist for four years and will be limited to one county clerk site in Davidson, Hamilton, Knox, Shelby, Unicoi, McMinn, Tipton, Hamblen, and Anderson Counties. **HB 3139 (H. Brooks)** that changes references within TCA Titles 33, 39, 41, and 49 from "mental retardation" to "intellectual disability" was referred to C&R. **HB 3719 (Bass)** was rolled one week. After completing the calendar and addendum, the committee heard presentations from representatives of LeBonheur Children's Hospital and the Council for Alcohol & Drug Abuse Services.

PROFESSIONAL OCCUPATIONS SUBCOMMITTEE

The **Professional Occupations Subcommittee** met Tuesday morning, March 2nd with six bills on calendar, referring one to full committee. Rep. Shepard presented **HB 0568** with a



Representative Shepard



Chairman Armstrong

proposed verbal amendment that rewrites the bill to require prescriptions for Schedule II drugs to be written on a separate prescription order. Chairman Harrison rolled the bill one week for distribution and review of the proposed amendment. **HB 2337 (Winningham)** was rolled one week at the request of the sponsor. **HB 2587 (Rowland)** was rolled one week at the request of the sponsor. Rep. Hill discussed **HB 2679** with a proposed amendment that rewrites the bill to change existing statute relative to the practice of dental hygiene, including graduation from an accredited dental hygiene program and authority to provide services for pilot or planned programs within the dental hygienist's scope of practice. Chairman Harrison rolled the bill one week for distribution and review of the proposed amendment. **HB 2895 (Naifeh)** as amended that authorizes the Board of Medical Examiners to issue a special St. Jude Children's Research Hospital Global Collaboration license to St. Jude employee physicians who have met licensure requirements except residency requirements was referred to full committee. Rep. Maggart presented **HB 3368** and offered an amendment that essentially rewrites the bill to authorize either RNs or LPNs to supervise medication aides working in nursing homes or assisted living facilities. At the request of Rep. M. Turner, HB 3368 was rolled one week for further discussion with interested parties.

HEALTH CARE FACILITIES SUBCOMMITTEE

The **Health Care Facilities Subcommittee** held its first meeting of 2010 on Wednesday, March 3, 2010, with six bills on notice; two were referred to full committee. **HB 2520 (Faulkner)** that authorizes the Department of Health to reimburse licensed residential homes for the aged in Campbell and Union Counties as part of the existing reimbursement program was referred to full committee. **HB 2656 (Maggart)** as amended that

increases the membership of the Health Services & Development Agency from 10 to 11 members, to include a representative of the ambulatory surgical treatment center industry was referred to full committee. Rep. Harrison discussed **HB 2790** and requested to roll the bill while awaiting additional information relative to the legislation; Chairlady Pruitt rolled HB 2790 to last calendar. **HB 2949 (Pitts)** that redefines *project* in existing special purpose health corporations provisions to specify that a hospital institution project includes a "primary care clinic" instead of a "clinic" was rolled one week at the request of the sponsor. **HB 2987 (H. Brooks)** that creates an 11-member task force to review the regulations of residential and day provider agencies contracted by the Division of Intellectual Disabilities Services (DIDS) and make recommendations to relieve expensive and unnecessary regulations on such providers by January 11, 2011, was discussed and rolled one week by Chairlady Pruitt for drafting of verbal amendatory language offered by Rep. Brooks. **HB 3316 (Matheny)** that requires all costs of a second or subsequent appeal filed concerning a decision granting the CON to a hospital filing the application be assessed against the person or entity filing the appeal challenging the favorable decision granting the CON was rolled one week at the request of the sponsor.

PUBLIC HEALTH & FAMILY ASSISTANCE SUBCOMMITTEE

The **Public Health & Family Assistance Subcommittee** met Wednesday afternoon, March 3rd with five bills on calendar, referring two to full committee. **HB 3301 (Lynn)** that enacts the "Freedom from Coercion Act" was considered, Amendment 1 (revises signage language) was adopted, and the bill was rolled one week for additional amendatory language to address members' questions. **HB 3495 (Evans)** that states that when a defendant commits a



Representative Evans

homicide or assault against a pregnant woman, the fetus, *regardless of viability*, is also considered a victim of the offense was referred to full committee. **HB 0564 (H. Brooks)** was rolled one week at the request of the sponsor. **HB 3286 (Casada)** as amended that establishes a "certificate of birth resulting in stillbirth" defined as a certificate issued to record the birth of a stillborn child, redefines "stillbirth," decreases the existing reporting standards for a fetal death from a fetal weight of 500 grams or 22 weeks gestation to a fetal weight of 350 grams or 20 weeks gestation, requires the Department of Health to issue a certificate of birth resulting in stillbirth within 60 days following a parent request, requires the Department of Health to inform applicable persons and entities licensed by the Department of the requirements of this legislation at time of licensure, and establishes requirements for the request form and information that must be on the certificate of birth resulting in stillbirth was referred to full committee. Chairman Hensley noted legal staff will draft an amendment to HB 3286 for full committee to correct typographical errors in the bill as introduced. **HB 3210 (Casada)** that requires the

policies and rules of the Department of Health to be fully consistent with the rules of the Centers for Disease Control and Prevention (CDC) concerning exclusion of a child from school due to head lice and prohibits the Department from requiring any public or private school from excluding a child with head

lice after appropriate treatment is started was rolled two weeks by the sponsor as discussions with the Department continue.

Chairman Hensley announced that the subcommittee will plan to close March 17, 2010.



FULL COMMITTEE

The **Judiciary Committee** passed out twelve bills on Tuesday during its full committee meeting.

HB 2625 (Dunn) makes it an offense, punishable as a theft, if a home improvement contractor acts with an intent to defraud by taking a customer's money and not completing the work for which they had been contracted for. It also provides for the Board of Licensing Contractors to revoke a license once an individual is convicted and place their information on the Board's website. Two amendments were adopted. The first amendment clarifies how the value

is determined for the theft. The second amendment requires that more than 90 days must have elapsed since the starting date of the contract as one possible condition that a theft has occurred.

[passed to Finance, Ways & Means]

HB 3203 (Eldridge) increases the aggregate amount that a debtor can claim for a personal property exemption from \$4,000 to \$10,000 for a bankruptcy proceeding. An amendment was adopted that removes section 2 of the bill that exempts money received as a result of a federal earned income credit and federal child tax credit.

[passed to Calendar & Rules]

HB 3222 (Hawk) as amended changes from 10 days to 10 business days, excluding holidays, the deadline by which a court must set a hearing for a defendant involuntarily committed for a capital offense to a developmental facility. It also changes from 21 days to 21 business days, excluding holidays, of receipt of the facility's notice the deadline by which the court must hold a hearing on whether the individual continues to meet the commitment criteria under which the person is committed. Finally, it changes from 15 days to 15 business days, excluding holidays, of the court's receipt of the facility's notice the deadline for the facility to release the individual from involuntary commitment if the court has not set a hearing.

[passed to Finance, Ways & Means]

HB 2760 (Curtiss) as amended requires that in the event of a conflict between the provisions of a DD Form 93 and any other legal document concerning the designation of the person authorized to direct disposition of a service member's remains, the DD Form 93 will control. The DD Form 93 is the form used by the Department of Defense for military personnel to designate who is in charge of their remains in the event of death.

[passed to Calendar & Rules]

HB 3631 (Todd) as amended exempts county registers from charging the \$5 per document archives and record management fee. It also limits the \$5 document fee charged by county and municipal courts to documents filed in relation to the initiation of a legal proceeding. The fee is still applicable to other county offices, such as the trustee, mayor, and clerk.

[passed to Finance, Ways & Means]

HB 2568 (Fincher) adds offense of aggravated rape of a child to list of offenses for which offender is required to be sentenced to community supervision for life.

[passed to Calendar & Rules]

HB 2670 (Fincher) as amended requires the register of deeds to keep separately and in a secure location the official discharge records of members of the armed forces (DD 214). The records will not be available for the



Representative Dunn

general public and can only be accessed by certain persons.

[passed to Calendar & Rules]

HB 3462 (Camper) removes the sunset provision in the Governmental Tort Liability Act that defined “governmental entity” differently for Shelby County. The provision was set to expire in 2011.

[passed to Calendar & Rules]

HB 2769 (Rich) provides that evidence obtained by use of radar device cannot be used in evidence in any judicial or administrative proceeding to prove speed of a vehicle unless the operator was properly certified. An amendment was added to clarify that the law enforcement officer must be trained according to NHTSA or POST Commission standards.

[passed to Calendar & Rules]

HB 3652 (Stewart) allows Davidson County to impose annual \$1.00 litigation tax, up to \$5.00 maximum, on filings in general sessions and juvenile court for purpose of funding victim-offender mediation centers.

[passed to Finance, Ways & Means]

HB 2690 (Coleman) requires that a court clerk pay any money received from an indigent defendant to the Administrative Office of the Courts rather than the defendant’s appointed attorney. An amendment was added that allows the appointed attorney to receive any excess funds after the AOC has been paid.

[passed to Calendar & Rules]

HB 3279 (Coleman) directs that appeals on a writ of error coram nobis be taken before the Court of Appeals instead of the Supreme Court. A “writ of error coram nobis” is a procedural tool to correct errors of fact only, to bring before the court rendering judgment matters of fact that, if known at the time the judgment was rendered, would have prevented its rendition.

[passed to Calendar & Rules]



Representative Camper, Representative Stewart, Representative Fincher

The following bills were rolled for one week:

HB 1701 (Watson)
HB 2917 (Fincher)
HB 3040 (Dennis)
HB 3281 (Coleman)

The following bills were rolled for two weeks:

HB 2506 (Matlock)
HB 2752 (Swafford)
HB 2560 (Montgomery)
HB 3586 (Coleman)

The following bills were rolled to the last calendar:

HB 2796 (Ramsey)
HB 3035 (Dennis)
HB 2835 (Dennis)
HR 234 (Coleman)

HR 237 (Coleman) was taken off notice.

HB 3053 (Bass) failed on a voice vote.

CRIMINAL PRACTICE AND PROCEDURE SUBCOMMITTEE

The **Criminal Practice and Procedure Subcommittee** met on



Representative Tindell

Wednesday, March 2, 2010 with 35 bills on calendar. Fourteen bills were sent to the full committee.

HB 2765 (Tindell), as amended, creates the “Tennessee Second Look Commission.” This entity will review an appropriate sampling of cases involving a second or subsequent incident of severe child abuse in an

effort to determine whether severe child abuse cases are handled in a manner that provides adequate protection to the children of this state. Amendments on the bill clarify language, affect membership on the commission, change the administrative attachment from the A.O.C. to the Commission on Children & Youth, and call for other revisions.

[moved to the full committee]

HB 2801 (Dean) authorizes an approved bail bondsman to return a defendant to the jurisdiction for which the bail bond is obligated for the defendant's appearance, provided that the bail bondsman is liable for the expenses of returning the defendant.

[moved to full committee]

HB 2059 (Lynn), as amended, classifies as a Class A misdemeanor, subject to a fine only, the unauthorized implantation of an electronic identification and/or tracking device or mark placed on any human being.

[moved to full committee]

HB 3196 (Faulkner) requires the TBI to include violent juvenile sexual offender profiles in its centralized system that cross references data obtained from DNA analysis.

[moved to full committee]

HB 3282 (Coleman) allows the general sessions court to determine whether a person charged with DUI also violated the implied consent law, rather than requiring implied consent cases to be heard by the court determining the DUI.

[moved to full committee]

HB 3283 (Coleman) eliminates deferral of proceedings prior to trial and consolidates methods for deferral of criminal proceedings under judicial diversion.

[moved to full committee]

HB 3784 (Coleman) authorizes the internal affairs director and agents of the Department of Correction to seize



Chairman Coleman

and remove property subject to forfeiture where the disposition of a conveyance, or where the proceed of the goods benefits the Department.

[moved to full committee]

HB 3221 (Hawk), as amended, creates a Class D felony for possessing a prescription drug, which was acquired outside of Tennessee, with the intent to sell the drug.

[moved to full committee]

HB 3263 (Johnson, P.) as amended, requires a sexual offender or violent sexual offender to obtain written permission or a request from the school's principal or facility administrator before coming on the school grounds to attend a conference, etc. at the school as a parent, or to provide transportation to the offender's child at the school.

[moved to full committee]

HB 2438 (Maggart) adds aggravated rape of a child to the list of offenses for which a juvenile may be transferred from juvenile court to adult court.

[moved to full committee]

HB 2788 (Maggart) as amended, rewrites various provisions of the



Representative Maggart

Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004.

[moved to full committee]

HB 1130 (Hardaway), as amended, requires the court to hold in criminal contempt any person who makes a false accusation of sexual abuse to further other civil litigation. It also requires the false accuser to pay the other party's litigation costs. The amendment changes the effective date.

[moved to full committee]

HR 0083 (Hardaway), as amended, urges the Department of Safety to determine the need for a state-wide policy on minimum standards of fresh pursuit. There was testimony from the TN Highway Patrol and the Police Chiefs Association on pursuit policies and current practices. The bill was verbally amended to change the effective date.

[moved to full committee]

HB 3063 (Campfield), as amended, prohibits physicians on the sexual offender registry from treating children under 18 years of age. An amendment was verbally offered by a committee

member to include other medical professionals; that member was asked to bring the written revision next week.
[moved to full committee]

Rolled for one week:

HB 2951 (Brooks, H.)
HB 2891 (Turner, M.)
HB 3181 (Turner, M.)
HB 2762 (Turner, M.)
HB 2993 (DeBerry, J.)
HB 3333 (Brooks, H.)
HB 3370 (Maggart)
HB 1374 (Hardaway)
HB 1129 (Hardaway)
HB 1304 (Jones, S.)
HB 2718 (Campfield)
HB 2813 (Odom)

Rolled for two weeks:

HB 3562 (Rowland)
HB 2962 (Faulkner)
HB 3284 (Coleman)
HB 0673 (Maggart)
HB 0672 (Maggart)
HB 3096 (Shaw)
HB 2907 (Todd)

Taken off notice:

HB 0032 (Hardaway)
HB 2832 (Todd)

CIVIL PRACTICE AND PROCEDURE SUBCOMMITTEE

The Civil Practice and Procedure Subcommittee met on Wednesday and moved seven bills to the full committee.

HB 2941 (Hackworth) as amended revises the missing senior citizen alert program to remove age and other requirements for the citizen and to urge the search for such persons to begin immediately. Under the amendment, the TBI, Tennessee Sheriff's Association and Tennessee Association of Chiefs of Police are encouraged to educate the requirements of the program.
[moved to full committee]

HB 3539 (Maddox) extends from 60 to 90 days the period of time that a bail bondsman must provide proof of compliance after notice of

noncompliance of continuing education requirements in order to avoid suspension.
[moved to full committee]

HB 3793 (Turner M) designates as confidential the capital plans, marketing information, proprietary information and trade secrets submitted to the Tennessee venture capital network at the University of Tennessee, Knoxville. The amendment puts Tennessee in line with surrounding states.
[moved to full committee]

HB 3135 (Dunn) requires the Commissioner of Finance and Administration to designate a person in the Bureau of TennCare who would be responsible for calculating the state's subrogation interest in certain cases. An amendment was placed on the bill.
[moved to full committee]

HB 3861 (Coleman) makes several revisions to the laws regarding trusts and trustees. Three amendments were adopted by the subcommittee. The first amendment makes numerous technical changes to the bill, including grammatical corrections and clarifications on cross references. It also alters timing rules regarding the Rule Against Perpetuities, and alters the creation and procedures for the total return unitrusts. The second amendment clarifies that a creditor's remedies under the uniform fraudulent transfer act shall not be limited. A third amendment makes technical changes regarding irrevocable special needs trusts and disclosures made by a fiduciary.
[moved to full committee]

HB 2689 (Coleman) requires the Judicial Council to meet at least twice each year while the legislature is in session.
[moved to full committee]

HB 2691 (Coleman) adds to duties of Judicial Council that, upon request or on own motion, it send suggestions for

statutory changes pertaining to the judicial system.
[moved to full committee]

HB 3078 (Haynes) entitles employers to retain an administrative fee of \$5.00 from the judgment debtor each time payment is made to the court for amounts of an employee's disposable earnings subject to the garnishment.
[rolled two weeks]

HB 2805 (McDonald) limits civil and criminal liability of persons donating food to charitable organizations or to corrections facilities.
[rolled one week]

HB 3314 (Cobb T) provides that owners of land used for private airstrips and other such activities shall owe no duty of care to keep such land safe for entry by others for aviation purposes or to warn of hazardous conditions.
[rolled one week]



Representative Cobb

HB 3391 (Moore) authorizes circuit court judges in Davidson County having domestic or probate jurisdiction to appoint one or more persons to act as magistrates.
[rolled one week]

HB 3382 (Sontany) adds zoning violations and violations of building codes to definition of types of nuisances that can be abated by the courts.
[rolled one week]

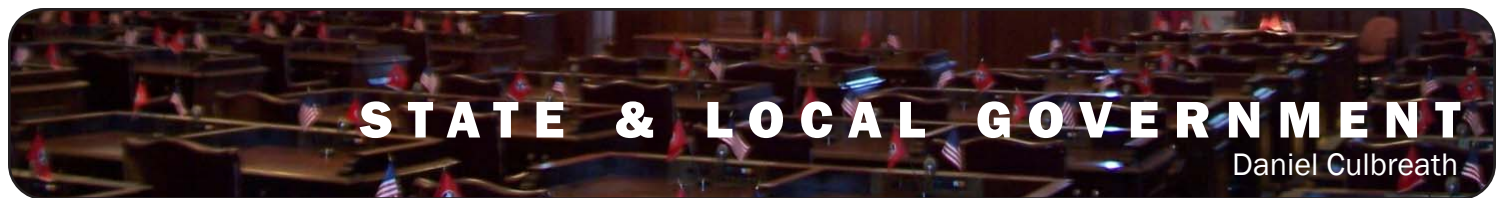
HB 3083 (Coley) provides that the publication requirement mandated by Article XI, Section 3 of the Tennessee Constitution, is satisfied if the proposed constitutional amendment is timely posted on the official web site of the Secretary of State or on the official web site of the General Assembly.
[rolled two weeks]

HB 3659 (Stewart) authorizes municipal governments to create an office of administrative hearing officer to hear building and property maintenance code violations, and further describes such administrative proceedings.
[rolled one week]



Representative Coley

HB 2751 (Coley) authorizes judge of Division X of Shelby County General Sessions court to appoint referees.
[rolled one week]



FULL COMMITTEE

The **State & Local Government Committee** passed out six bills on Tuesday during its full committee meeting.

HJR 817 (Shaw) would adopt “So I’ll Just Shine in Tennessee” (“I’m a [any town], Tennessee Nugget”) as an official state song
[passed to Finance, Ways & Means]

HB 3056 (Dunn) would add to the current duties of the administrator of elections in each county. The new duties include preparing plans for early voting sites and precinct voting locations, and then presenting those plans to the election commission for approval. The administrator of elections would also be required to assist with the redistricting process. The original legislation required the administrator of

elections to present the annual operating budget to the election commission for approval. An amendment was added that would allow that responsibility to be delegated by the administrator of elections to a deputy in the election commission office.
[passed to Calendar & Rules]

HB 3034 (Casada) as amended would add Sligo Marina in Dekalb County, and other facilities in Henry and Cumberland County to those facilities that are authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort.
[rolled for one week]

HB 3243 (McCord) authorizes the sale and consumption of alcoholic beverages on the premises of the Clayton Center for the Arts in Blount County.
[passed to Calendar & Rules]

HB 2744 (Lundberg) creates a misdemeanor offense for possessing an open container of an alcoholic beverage within the passenger area of a motor vehicle on a public highway. This bill defines an open container as one in which the seal is broken and any amount of liquid is left in the container. Colonel Mike Walker from the Tennessee Highway Patrol spoke to the committee and discussed various aspects of the bill with the members of the committee. While the bill does exempt hired drivers, those acting in that capacity must have a chauffeurs license. The bill was rolled three weeks so that some of the concerns that the members of the committee had could be addressed.
[rolled for three weeks]

HB 2580 (Brown) allows Majestic Theater in Chattanooga to sell alcoholic



Representative Barker

beverages for consumption on premises.

[passed Calendar & Rules]

HB 3190 (Barker) designates procedures for delinquent tax sales when delinquent taxes are owed to both municipality and county.

[passed to Finance, Ways & Means]

HB 3341 (Pruitt) as amended specifies the method for determining the rate of interest on Build America Bonds issued by convention center authorities.

[passed to Finance, Ways & Means]

The following bills were rolled for one week:

SJR 711 (Marsh)
HJR 763 (Cooper B)
HB 2748 (Dunn)
HB 3344 (Casada)
HB 3890 (Harrison)
HB 187 (Marsh)
HB 3389 (Moore)
HB 3152 (Tindell)
HB 1357 (Carr)
HB 2822 (Cobb T)
HB 3618 (Cobb J)
HB 3070 (Jones U)
HB 3469 (Todd)
HB 3639 (Todd)

HB 3453 (Todd)

HB 2842 (Sargent) was rolled for two weeks

ELECTIONS SUBCOMMITTEE

The **Elections Subcommittee** met on Tuesday and moved three bills to the full committee.

HB 3182 (Turner M) prohibits foreign corporations from using funds to aid either the election or defeat of any candidate for office. Corporations that are incorporated under Tennessee law and operating in Tennessee would still be able to donate funds to candidates.

[passed to the full committee]

HB 2750 (Todd) allows eligible voters to register to vote up to five days before the election if the voter presents documentation that he/she resides at an address, even if the registration notification form that is sent out by the county election commission was returned as undeliverable a second time and that registration was purged. The bill also requires the administrator of elections to mail registration cards.

[passed to the full committee]



Chairman Todd

HB 2673 (Todd) requires candidates or political campaign committees that file an appointment of treasurer form before January 16 (instead of January 1) in the year of the election to file a financial disclosure statement by January 31.

[passed to the full committee]

HB 744 (Odom) was taken off notice

HB 3060 (Niceley) was rolled one week

HB 3019 (DeBerry J) was rolled one week

HB 1770 (Todd) was rolled two weeks

STATE GOVERNMENT SUBCOMMITTEE

The **State Government Subcommittee** met on Tuesday and moved nine bills to the full committee.

HB 3638 (Todd) directs that employees of the Tennessee Board of Regents shall not elect to receive longevity pay by separate check until July 1, 2013.

[passed to the full committee]

HB 3605 (Fitzhugh) authorizes the Comptroller's office to require certain job applicants to agree to the release of investigative records, provide a fingerprint sample, and submit to a criminal history records check. The Comptroller's office would set the procedures that will detail which applicants are required to follow these new guidelines.

[passed to the full committee]

HB 895 (Winningham) establishes minimum compensation and benefits for county and municipal veterans' service officers

[passed to the full committee]

HB 3836 (Turner) removes the termination date of June 30, 2010, for revisions to the civil service provisions enacted by Chapter 1 of the Public Acts

of 2009 to deal with a proposed reduction in workforce.

[passed to the full committee]

HB 3533 (Maddox) as amended would impose a statewide prepaid wireless emergency telephone service charge of fifty-three cents per each retail transaction. The Department of Revenue is required to provide at least 30 days of advance notice on their website of any increase or decrease in the service charge.

[passed to the full committee]



Representative Maddox

HB 3819 (Borchert) would revise factors for determining veterans' preference points in the civil service system. The bill would allow veterans who served during a time of war or the mobilization of forces to receive five points added to their earned ratings in examination for entrance to the career service. An amendment was added to allow veterans who were honorably discharged, but did not serve during the time of war or the mobilization of forces by presidential declaration, to receive two points added to their earned ratings.

[passed to the full committee]

HB 3810 (Fraley) clarifies that the governor may enter into civil defense and disaster compacts with "states", as opposed to just "contiguous states". It also renames the emergency management assistance compact that the governor may enter into under present law from the "Southern Regional Emergency Management Assistance Compact" to the "Emergency Management Assistance Compact".

[passed to the full committee]

HB 3939 (Tindell) removes language referring to the "Office of Legislative Services", and changes the "Office of Management Information" to the "Office of Legislative Information Services".

[passed to the full committee]

HB 3153 (Tindell) adjusts terminology to reflect data collected through the most recent version of the American Community Survey's five year estimates instead of the census long form questionnaire.

[passed to the full committee]

HB 3847 (Turner M) as amended creates the Tennessee Residence Commission which will formulate and develop a plan and program for the restoration and preservation of the contiguous grounds and building of the Tennessee Residence. The commission will consist of five voting, ex-officio members: the governor, the first spouse, the commissioner of general services, the state architect, and the chair of the Tennessee historical commission. Each of the members may choose a designee to attend in their place. There will also be four private citizens that are appointed to the commission, and they will serve staggered terms and will be appointed by the governor. The bill was rolled one week so that some of the details of the bill could be further clarified for members of the committee.

[rolled for one week]

The following bills were rolled for one week:

HB 3061 (Niceley)

HB 3510 (Niceley)

HB 3364 (Gilmore)

HB 3429 (McDonald)

HJR 744 (Lynn)

HB 3756 (West) was rolled two weeks

HB 3402 (Turner M) was rolled to the last calendar

HB 3445 (Hackworth) was taken off notice

HB 3640 (Todd) was taken off notice

LOCAL GOVERNMENT SUBCOMMITTEE

The Local Government

Subcommittee met on Wednesday and moved eleven bills to the full committee.

HB 2712 (Turner M) as amended would change the various provisions that govern the appointment of a planning director by a municipal planning commission or a regional planning commission.

[passed to full committee]

HB 2894 (Maggart) would authorize utility districts to enforcement payment of outstanding garbage collection and disposal fees by filing a lien on the property. Currently, utility districts are authorized to file a lien to enforce the payment of fees or assessments charges for sewer or wastewater disposal. An amendment was added that would apply this bill only to the City of Goodlettsville. The bill was rolled for one week to allow additional discussion.

[rolled for one week]

HB 3204 (Eldridge) would allow energy acquisition corporations to obtain loans or issue bonds, and will allow all creditors or bondholders of such corporations to make loans or purchase bonds. This legislation will not apply to cable companies. An amendment was added to clarify that in calculating the



Representative Eldridge

“applicable formula rate” to determine the maximum effective rate applicable to bonds or other obligations issued by these energy acquisition corporations, the language of the current law (which is “four percentage points above the average prime loan rate”) will be changed to “seven percentage points above the average prime loan rate”
[passed to full committee]

HB 3611 (Fitzhugh) would require a local agency that receives allegations of fraud, waste, or abuse of public funds from a toll-free hotline to investigate and remedy any of those activities to the same extent that a state agency or community grant agency is required to do so under the present law.
[passed to full committee]

HB 2401 (Johnson C) rewrites the charter of the City of Clarksville, subject to local approval. An amendment was added that specifies that the changes to the charter must be approved by a referendum election in the City of Clarksville.
[passed to full committee]

HB 3635 (Todd) as amended removes Ober Gatlinburg and a resort in Crab Orchard from the definition of premier

type tourist resorts. It also removes one of the duplicated definitions of Nashville Shores.

[passed to full committee]

HB 2757 (Bass) amends the charter of Cornersville to specify the timetable and manner of elections of the mayor and five aldermen. It also changes the requirement that qualified voters must live in the town for 30 days before they are able to vote in an election and changes the number of times an ordinance or bill must be read from three to two. The portion of the charter that allows the fire chief to be the chief of police or the chief of police to be the fire chief will also be removed.
[passed to full committee]

HB 3610 (Fitzhugh) would remove the requirement for the Comptroller to develop standards for counties to distribute funds to nonprofits.
[passed to full committee]

HB 2509 (McCormick) would allow the Hamilton County Register of Deeds to allocate funds from certain data processing fees for other purposes instead of on computer equipment, software, and maintenance.
[passed to full committee]

HB 2521 (Faulkner) would enact a hotel/motel tax. According to Rep. Faulkner, the revenue from this tax will go to the Union County Chamber of Commerce to promote tourism.
[passed to full committee]

HB 2965 (Faulkner) revises the language conferring powers on the board of public utilities for the City of LaFollette. This change will allow the board of public utilities to set the rates for water and sewer.
[passed to full committee]

HB 3957 (Maggart) establishes the procedure for the distribution of proceeds of the hotel/motel tax in Sumner County.
[passed to full committee]

The following bills were rolled for one week:

HB 3854 (Faulkner)

HB 3938 (Tindell)

HB 3175 (Swafford)

HB 2834 (Todd)

HB 3953 (Harmon)

HB 3732 (Borchert) was rolled two weeks

HB 3417 (Winningham) was rolled two weeks

HB 2827 (Coley) was rolled to the last calendar

HB 761 (Turner M) was taken off notice

HB 1139 (Hardaway) was taken off notice

HB 3042 (Sargent) was taken off notice



THE FULL COMMITTEE

The **House Transportation Committee** did not meet this week.

**RURAL ROADS
SUBCOMMITTEE**

The **Rural Roads Subcommittee** did not meet this week and is closed subject to the call of the chair.

**PUBLIC SAFETY
SUBCOMMITTEE**

The **Public Safety & Rural Roads Subcommittee** did not meet this week.